IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 22610 of 2004

Between:

Syed Ali Quadri S/o late Syed Hussain Quadri
R/o 20-2-521, Hussainialam, Hyderabad

..... PETITIONER

AND

1 The District Collector, Hyderabad, Hyderabad District
2 The Revenue Divisional Officer, Hyderabad Division, Hyderabad
3 The Municipal Corporation of Hyderabad rep by Commissioner, CircleIV, Khairatabad, Hyderabad
4 The Mandal Revenue Officer, Asifnagar Mandal, Hyderabad

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or direction more particularly one in the nature of Writ of Mandamus declaring the inaction of the Respondents in not protecting the lands from the encroachers and land grabber in Survey No. 54 & 55 of Gudimalkapur Village Corresponding to T.S. No. 36, MCH No. 12-2-342, Admeasuring Ac. 2, 12 guntas, situated at Syed Ali guda, Asifnagar Mandal, Hyderabad is illegal, arbitrary High Handed unlawful and to pass such other order or orders as this Hon'ble Court may deem fit and proper.

Counsel for the Petitioner:MR.NAZIR AHMED KHAN

Counsel for the Respondent Nos.: GP FOR REVENUE for Respondents 1, 2 and 4

: Mr. Rama Rao Ganta, for respondent No.3.

The Court at the stage of admission made the following :

ORDER:

The petitioner alleges that he is the absolute owner of the lands bearing Survey Nos. 54 and 55 of Gudimalkapur village, corresponding to T.S.No.36, MCH No.12-2-342, admeasuring Ac.2.12 guntas, situated at Syed Ali Guda, Hyderabad. It is his case that since the above said lands are in the custody of the Government, he filed a petition in Case No.B/1464/2000 before the 2nd respondent to conduct Inam enquiry and to confirm the grant in his favour in respect of the above said lands. Pursuant to the same, the 2nd respondent disposed of the said claim on 6.6.2002 directing the petitioner to get a succession certificate from the competent civil court. Accordingly, the petitioner approached the civil court by way of filing a suit for declaration, which is still pending.

Learned counsel for the petitioner contends that pending the litigation, the lands are being encroached upon by the land grabbers and it is further contended that in Writ Petition No.26313 of 2001, this court directed the respondents to protect the said lands till the disposal of the claim petition, pending before the 2nd respondent.

Heard the learned counsel on either side.

Since the petitioner has no title over the said lands as on today, he cannot be granted any relief as sought for in this writ petition. When once the lands are in the

custody of the respondents, the respondents will take care of the said lands from any encroachments. If at all, the petitioner succeeds in the litigation, he is entitled to claim title over the said lands from the respondents. Hence, this court cannot give any finding or direction to the respondents as prayed for, at the present juncture.

The writ petition is devoid of merits and the same is accordingly dismissed. No order as to costs.

8.12.2004

CVM

1 The District Collector, Hyderabad, Hyderabad District
2 The Revenue Divisional Officer, Hyderabad Division, Hyderabad
3 The Municipal Corporation of Hyderabad rep by Commissioner, CircleIV, Khairatabad, Hyderabad
4 The Mandal Revenue Officer, Asifnagar Mandal, Hyderabad

5. 2 CCs to G.P. for Revenue, High Court Buildings, Hyderabad (OUT).

6. 2 CD copies.